

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LLOYD MONTREL LORNE,)
)
Petitioner,)
)
-vs-) Case No. CIV-13-1028-F
)
JANET DOWLING,)
)
Respondent.)

ORDER

On March 9, 2016, United States Magistrate Judge Bernard M. Jones issued a Report and Recommendation, recommending that petitioner, Lloyd Montrel Lorne's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. Magistrate Judge Jones advised the parties of their right to object to the Report and Recommendation by March 30, 2016 and further advised that failure to make a timely objection waives their right to appellate review of both factual and legal issues therein contained.

To date, no party has filed an objection to the Report and Recommendation. With no objection being filed within the time prescribed, the court accepts, adopts and affirms the Report and Recommendation in its entirety without further analysis.

Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the court to issue or deny a certificate of appealability when it enters a final order adverse to petitioner. Section 2253 of Title 28 of the United States Code instructs that the court may issue a certificate of appealability "only if the [petitioner] has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists

of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 327 (2003) (citing Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

Upon review, the court concludes that petitioner is not entitled to a certificate of appealability. Thus, a certificate of appealability shall be denied.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Bernard M. Jones on March 9, 2016 (doc. no. 16) is **ACCEPTED**, **ADOPTED** and **AFFIRMED**. Petitioner, Lloyd Montrel Lorne's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DENIED**. A certificate of appealability is also **DENIED**.

DATED April 13, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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